

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN EDWARD ROBINSON, ET AL.,

Plaintiffs,

v.

WELLS FARGO HOME MORTGAGE, ET AL.,

Defendants.

Case No. 16-cv-01619-YGR

ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE

Plaintiffs John Edward Robinson and Janice M. Walsh, proceeding *pro se*, bring this action against defendant Wells Fargo Bank, N.A. Plaintiffs filed an amended complaint on January 4, 2017. (Dkt. No. 54, "FAC.") On January 19, 2017, defendant filed a motion to dismiss the FAC. (Dkt. No. 58.) Plaintiff's response was due on February 2, 2017. On February 10, 2017, defendant filed a notice of non-receipt of opposition to its motion to dismiss, and requests that this Court grant its motion. (Dkt. No. 63.) As of today, plaintiffs have yet to file a response to defendant's motion to dismiss. As a result, the Court is considering dismissing plaintiffs' lawsuit for "failure to prosecute," that is, a failure to meet deadlines to keep the lawsuit moving forward.

Plaintiffs are hereby **ORDERED TO SHOW CAUSE** why the Court should not dismiss the case for failure to prosecute. Not later than Friday, February 24, 2017, plaintiffs must file either: (i) a response to defendant's motion to dismiss; or (ii) a written response to this Order to Show Cause, indicating why the case should not be dismissed for failure to prosecute. Failure to file a written response will be deemed an admission that plaintiffs do not intend to prosecute, and the case will be dismissed without prejudice.

The Court also **VACATES** the hearing on defendant's motion to dismiss currently set for February 28, 2017.

IT IS SO ORDERED.

Dated: February 13, 2017


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE